

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CARL DEAN EDWARDS,

Petitioner,

vs.

JAMES COX, et al.,

Respondents.

Case No. 2:13-cv-01669-JAD-GWF

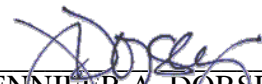
ORDER

On October 15, 2013, the court dismissed this action without prejudice to the commencement of a new action because petitioner did not submit a complete application to proceed in forma pauperis. The court noted that a new action, commenced promptly, would be timely pursuant to 28 U.S.C. § 2244(d). On July 10, 2014, petitioner filed a notice of appeal (Doc. 4).

The court will not issue a certificate of appealability for two reasons. First, reasonable jurists would not find debatable or wrong the court's dismissal of this action without prejudice. Second, petitioner filed the notice of appeal long after the time to appeal, the time to extend the time to appeal, and the time to reopen the time to appeal all had expired. Even if the court were to issue a certificate of appealability, it would not vest the court of appeals with jurisdiction. *See Hayward v. Britt*, 572 F.2d 1324, 1325 (9th Cir. 1978).

IT IS THEREFORE ORDERED that a certificate of appealability is **DENIED**.

Dated: July 10, 2014.



JENNIFER A. DORSEY
United States District Judge